

Amendments to the Drawings:

Please amend Fig. 3B as shown on the attached replacement sheet.

Replacement sheet 1 includes original Figs. 3A and 4 and amended Fig. 3B.

Attachments: Replacement Sheets 1

REMARKS

Claims 3-7, 9-10, 12-13, and 16-18 are pending in this application, with claims 16 and 17 being the only independent claims. Claims 12 and 13 have been amended. Claims 1-2, 8, 11, and 14-15 have previously been canceled.

The drawings have been objected to for not showing each element recited in the claims. Claims 3-7, 9, 10, 12, 13, and 16 have been rejected under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement. Claims 3-7, 9, 10, 12, 13, and 16 have been rejected under 35 U.S.C. §112, first paragraph for failing to comply with the enablement requirement. Claims 9, 12, and 13 have been rejected under 35 U.S.C. §112, second paragraph for being indefinite. Claims 3-7, 9, 10, 12, 13, and 16-18 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No.: 2,898,036 (“Newill”), in view of WO 02/44608 (“Christodoulou”).

Objections to the drawings

The Office Action states that the drawings have been objected to for not showing each element recited in the claims. Specifically, with respect to Fig. 3B, the Examiner asserts that the drawings do not show Applicants’ insert divided along a longitudinal axis into two substantial half-cylinders.

Fig. 3B has been amended to show an insert divided along a longitudinal axis into two substantial half-cylinders. Support for this amendment to Fig. 3B can be found in Applicants’ original claim 1.

Applicants submit that the objection to the drawings has been overcome.

Rejection of claims 3-7, 9, 10, 12, 13, and 16 under 35 U.S.C. §112, first paragraph

The Office Action states that the claims have been rejected for failing to comply with the written description requirement. Specifically, the Examiner asserts that claim 16 appears to be directed to the embodiment shown in Fig. 3B and that the specification fails to teach that the embodiment of Fig. 3B includes two half cylinders. Applicants disagree.

Applicants' original claim 1, which has been previously canceled, recited a device arranged in a motor vehicle for cleaning a window or headlamp lens that includes, inter alia, "a washing nozzle retained by a nozzle holder, means for adjusting an angle of inclination of the washing nozzle, ... and wherein the washing nozzle is fixed in an insert arranged in the nozzle holder, the insert retained in a rotatable manner and comprising a washing nozzle having a cutout which generates a washing-fluid jet the insert further being divided along a longitudinal axis into two substantial half-cylinders ... lying one upon the other by way of their section planes from the formation of a cylinder..., the half-cylinders ... further being connected integrally to one another at one edge of their section planes such that they can be swung together to form a cylinder". Thus, the embodiment of Fig. 3B including two half cylinders is supported by Applicants' original specification (i.e., Applicants' original claim 1).

Applicants submit that this rejection has now been overcome.

Rejection of claims 3-7, 9, 10, 12, 13, and 16 under 35 U.S.C. §112, first paragraph

The Office Action states that the claims have been rejected for failing to comply with the enablement requirement. Specifically, the Examiner asserts that claim 16 appears to be directed to the embodiment shown in Fig. 3B and that the specification fails to teach that the embodiment of Fig. 3B includes two half cylinders. Applicants disagree.

As discussed in detail above, the embodiment of Applicants' Fig. 3B including two half cylinders is supported by Applicants' original claim 1. Applicants submit that this rejection has now been overcome.

Rejection of claims 9, 12, and 13 under 35 U.S.C. §112, second paragraph

With respect to claim 9, the Office Action states that the recitation of "step like" renders the claim indefinite. Applicants disagree.

According to Applicants' specification, "FIG. 3a shows the insert 6 from FIG. 1 in a perspective illustration. The cylindrical insert 6 has, on one side, a slot 10 for purposes of rotation, in order thus to set the angle of inclination of the washing-fluid jet 14. A cutout 16 is arranged perpendicularly to the longitudinal axis 15 of the insert 6. The cutout 16 is a bore which tapers downstream in the direction of the window which is to be cleaned (not illustrated). The bore 16 tapers in a step-like manner in a region 17. The bore acts as a nozzle for generating the washing-fluid jet 14" (see paragraph [0026] of Applicants' published specification). As clearly shown in Fig. 3A, the bore 16 tapers from a wide section to a narrow section. This taper can be achieved in a continuous (see paragraph [0014]) or incremental (i.e., step-like, in steps) manner.

With respect to claim 12, the Office Action states that the recitation of half-cylinder is a double inclusion of the half-cylinders recited in claim 16. Claim 12 has been amended to remove the recitation of a half-cylinder.

With respect to claim 13, the Office Action states that the recitation of half-cylinder is a double inclusion of the half-cylinders recited in claim 16. Claim 13 has been amended to clarify the claimed subject matter.

Applicants submit that these rejections have now been overcome.

Rejection of claims 3-7, 9, 10, 12, 13, and 16-18 under 35 U.S.C. §103(a)

The Office Action states that the combination of Newill and Christodoulou teaches all of Applicants' recited elements. Applicants disagree and submit that combining the teachings of Newill and Christodoulou is improper because there is no reason to combine the references.

Newill discloses a flushable windshield washer nozzle assembly. According to Newill, the nozzle assembly includes housing 52 that holds a fluid passageway 64 and a nozzle element 56, which includes a intermediate cutout 58 and spray orifice 62. The nozzle element 56 is rotatable to a spray, flush, or reverse flow position.

The Examiner concedes that Newill fails to teach or suggest that the nozzle element 56 is divided along a longitudinal axis into two substantial half-cylinders, where each half-cylinder having a section plane, and where the half-cylinders are pivotably connected to one another at a longitudinal edge of their section planes to form a cylinder when lying one upon the other by way of their section planes, as recited in Applicants' claim 16.

The Examiner, however, cites the insert 8 shown in Fig. 7A of Christodoulou as teaching the above-described limitation, and that it would have been obvious to combine the insert of Christodoulou with the device of Newill. Applicants' disagree.

Christodoulou discloses a tapping fitting. The tapping fitting or the cited insert 8 of Christodoulou have nothing whatsoever to do with a flushable windshield washer nozzle assembly. The insert 8 of Christodoulou includes two halves 20 and 21 joined by a hinge 22. The center of the insert 8 is hollow and threaded. When the two halves 20 and 21 are

closed/mated, the insert forms a threaded female piece configured to receive and mate with a threaded male piece. When a cutter assembly and the insert 8 of Christodoulou are to be connected, one half 20 of the insert 8 is placed adjacent to the cutter assembly, the screw threads are aligned, and the other half 21 of the insert 8 is closed around the cutter assembly (see page 13, lines 3-11 of Christodoulou).

Firstly, there is nothing taught or suggested in Newill that provides a reason, incentive, or motivation for one skilled in the art to divide the nozzle element 56 of Newill into two half cylinders connected by a hinge.

Secondly, even if one skilled in the art were motivated, or had a reason to devise an alternative configuration for nozzle element 56 of Newill, he/she would not look to the insert 8 of Christodoulou. The insert of Christodoulou is hollow with treads disposed on the inside diameter of the closed cylinder. As described above, the insert of Christodoulou is designed to be wrapped around and mated with a threaded male piece, and does not itself include a nozzle of any kind and does not channel or direct a stream of water, as does the insert recited in Applicants' claim 16. Thus, one skilled in the art would not look to the design of the insert 8 of Christodoulou as a viable or useful alternative design for the nozzle element 56 of Newill.

Moreover, Christodoulou fails to provide any teaching or suggestion regarding how a nozzle could be implemented in the insert 8 of Christodoulou.

In view of the foregoing, Applicants submit that the Newill and Christodoulou, whether taken alone or in combination, fail to teach or suggest "an insert arranged in the nozzle holder and configured to retain the washing nozzle within the nozzle holder", and "wherein the insert is divided along a longitudinal axis into two substantial half-cylinders, each half-cylinder having a section plane, wherein the half-cylinders are pivotably connected to one another at a longitudinal

edge of their section planes to form a cylinder when lying one upon the other by way of their section planes”, as recited in independent claim 16. Accordingly, claim 16 is deemed to be patentable over Newill and Christodoulou under 35 U.S.C. §103(a).

Independent claim 17 recites limitations similar to independent claim 16 and is, therefore, deemed to be patentably distinct over Newill and Christodoulou for at least those reasons discussed above with respect to independent claim 16.


Claims 3-7, 9, 10, 12, 13, and 18, which depend from independent claims 16 and 17, incorporate all of the limitations of the corresponding independent claim and are, therefore, deemed to be patentably distinct over Newill and Christodoulou for at least those reasons discussed above with respect to independent claims 16 and 17.

Conclusion

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of all pending claims is respectfully solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
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